



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,479	11/20/2003	Masataka Shinoda	SI459.70072US	8429

7590 07/06/2007
Randy J. Pritzker
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

LE, TUAN H

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,479	Applicant(s) SHINODA ET AL.	
	Examiner Tuan H. Le	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 2,6,7,9,12,19,26,29,34,38,44 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,10,11,13-18,20-25,27,28,30-33,35-37,39-43,45-48 and 50-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Applicant's election without traverse of Species I (Fig. 9) in the reply filed on March 5, 2007 is acknowledged. In addition, the applicant elects claims 1, 3-5, 8, 10-11, 13-18, 20-25, 27-28, 30-33, and 35-54. Non-elected claims are 2, 6, 7, 9, 12, 19, 26, and 34. In addition,

Claim 38 is non-elected as being dependent on non-elected claim 29.

Claim 44 is non-elected because it does not read on the elected species.

Claim 49 is non-elected because it depends on claim 44.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-4,8,10-11,24-25,27-28,30-33,35,37,39-43,45-48,50-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinjo et al (U.S. Pub. 2003/0103149). Hereinafter, Kinjo et al is referred to as Kinjo.

Regarding **claim 1**, Kinjo discloses a picture production system (Kinjo, Fig. 1) comprising:

a medium including storage means (customer card) from or into which data is read or written, (Kinjo, paragraph [0096], wherein customer ID is read from such customer card);

at least one photographic device (camera 14) for taking pictures fixed at a predetermined place, (Kinjo, Fig. 1, wherein camera 14 is equipped at certain point of any photographing locations); and

a picture production apparatus (24) for producing a picture by:

extracting a picture, in accordance with an action of a user using said medium, from pictures taken by said at least one photographic device based on the data recorded in said medium (Kinjo, paragraph [0099], wherein a picture is retrieved in accordance with customer movement history), and

editing the extracted picture related to the user, (Kinjo, paragraph [0106], wherein the photographic image data correspondent to an customer is subject to editing, such as enlarge/reduction, trimming, image processing for improving image quality).

Regarding **claim 3**, Kinjo discloses at least one data reader fixed at a predetermined place, (Kinjo, paragraph [0096], wherein a card reader is position at the order receiving terminal), for reading data from said medium, wherein:

said data reader (at order receiving terminal) reads client identification information from said medium (Kinjo, paragraph [0096], wherein customer ID is read), and sends, together with the client identification information, time data and position data to said picture production apparatus (24), (Kinjo, table 2 and

Art Unit: 2622

paragraph [0098], wherein ID data is associated with date/time data and position data); and

said picture production apparatus (24) manages the client identification information, the time data, and the position data sent from said data reader , and also obtains the time data and position data based on the client identification information read from said medium (Kinjo, paragraph, [0098, wherein image order process is started up), thereby extracting a picture in accordance with the action of the user by using the time data and the position data (Kinjo, paragraph [0099], wherein the obtained time data and position data is collated with fields in Table 1).

Regarding **claim 4**, Kinjo discloses said medium is a card medium (Kinjo, paragraph [0096], wherein customer cards may be previously distributed to customers).

Regarding claim 5, Kinjo discloses said medium is a medium (card) loaded or integrated into an information processing apparatus (42), (Kinjo, Fig. 1 and paragraph [0096], wherein the card is loaded into card reader embedded order receiving terminal 42).

Regarding **claim 8**, Kinjo discloses at least one medium access device (42) fixed at a predetermined place (photo shop),(Kinjo, Fig.1 and paragraphs[0082] and [0096]), wherein:

said medium is a medium (card) loaded or integrated into an information processing apparatus (42 and 50) provided with a communication function (Kinjo,

Art Unit: 2622

Fig. 1 and paragraph [0096], wherein card reader embedded in information processing apparatus reads ID information and communicates with network 32);

said medium access device (card reader) instructs said information processing apparatus (42 and 50) to obtain time data and position data (Kinjo, Table 2, wherein ID information is associated with time/date data and position data);

said information processing apparatus (42 and 50) sends, together with client identification information stored in said medium, the time data and the position data transferred from said medium access device (card reader) or obtained in response to an instruction from said medium access device to said picture production apparatus, (Kinjo, paragraphs[0090] [0091], and [0096], wherein ID, time data, and position data is collected and sent to apparatus 24);

said picture production apparatus (24) manages the client identification information, the time data, and the position data sent from said data reader , and also obtains the time data and position data based on the client identification information read from said medium (Kinjo, paragraph, [0098, wherein image order process is started up), thereby extracting a picture in accordance with the action of the user by using the time data and the position data (Kinjo, paragraph [0099], wherein the obtained time data and position data is collated with fields in Table 1).

Regarding **claim 10**, Kinjo discloses that said information processing apparatus (42 and 50) comprises position detecting means (50), and sends position data detected by the position detecting means (50) to said picture

Art Unit: 2622

production apparatus (24), (Kinjo, Fig. 1, paragraphs [0090], [0091], and [0096], wherein image order processing apparatus collects ID, date/time, and position data).

Regarding **claim 11**, Kinjo discloses that said information processing apparatus (42 and 50) comprises timing means, and sends time data obtained by the timing means to said picture production apparatus (Kinjo, paragraph [0092], wherein time data always accompanies position data).

Regarding **claim 24**, Kinjo discloses that said picture production apparatus (50) produces an edited picture (Kinjo, paragraph [0106]) for the user by using a picture extracted from the pictures taken by said at least one photographic device and additional picture or additional sound (Kinjo, paragraph [0115]).

Regarding **claim 25**, Kinjo discloses that said picture production apparatus (50) selects the additional picture or the additional sound used for producing an edited picture based on user information (Kinjo, paragraph [0115], wherein synthesized still image is produced).

Regarding **claim 27**, Kinjo discloses
said at least one photographic device (14) is disposed at a predetermined place within a photographic-service receiving area (Kinjo, paragraph [0084]);
and

said picture production apparatus (24) produces an edited picture when said medium leaves the photographic-service receiving area (Kinjo, paragraph [0106], wherein user orders and edits images).

Regarding **claims 28 and 43**, Kinjo discloses a picture production apparatus (Kinjo, Fig. 1) comprising:

picture storage means (30) for storing pictures from at least one photographic device (14) which is disposed at a predetermined place to take pictures (Kinjo, Fig. 1 and paragraph [0089]);

reading means (card reader) for reading data from a medium (customer card) which is capable of reading or writing data, (Kinjo, paragraph [0096]); and

picture production means (24) for producing a picture by:

extracting a picture, in accordance with an action of a user using the medium, from pictures stored in said picture storage means based on the data read from the medium by said reading means (Kinjo, paragraph [0099], wherein a picture is retrieved in accordance with customer movement history), and

editing the picture related to the user (Kinjo, paragraph [0106], wherein the photographic image data correspondent to an customer is subject to editing, such as enlarge/reduction, trimming, image processing for improving image quality).

Regarding **claims 30 and 45**, Kinjo discloses user identification information (ID) is stored in the medium (customer card), said picture production apparatus further comprising client-data management means (30) for managing

Art Unit: 2622

the user identification information, time data, and position data sent from at least one medium access device (PC 48) fixed at a predetermined place, wherein: said client-data management means (30) obtains the time data and the position data based on the user identification information read from the medium by said reading means, (Kinjo, Fig. 1 and paragraph [0097], wherein ID is entered by a PC connected to a network); and

said picture production means (24) extracts a picture in accordance with the action of the user by using the time data and the position data (Kinjo, Fig. 1 and paragraph [0099]).

Regarding **claims 31 and 46**, Kinjo discloses user identification information (ID) is stored in the medium (customer card), said picture production apparatus (24) further comprising client-data management means (30) for managing the user identification information, time data, and position data sent from a communication device (cell phone 18) owned by the user (Kinjo, Fig. 1 paragraph [0097]) and , wherein: said client-data management means (30) obtains the time data and the position data based on the client identification information (ID) read from the medium (customer card) by said reading means (card reader); and said picture production means (24) extracts a picture in accordance with the action of the user based on the time data and the position data, (Kinjo, Fig. 1 and paragraph [0099]).

Regarding **claims 32 and 50**, Kinjo discloses that said picture production means (24) produces an edited picture by adding an additional picture of additional sound to the extracted picture, (Kinjo, Fig. 1 and paragraph [0115]).

Regarding **claim 33 and 51**, Kinjo disclose that user-information management means (customer card) for storing and managing user information, (Kinjo, Fig.1 and paragraph [0096]); and additional-information storage means (30) for storing additional pictures or additional sound, wherein said picture production means (24) produces an edited picture by using the additional picture or additional sound selected from said additional-information storage means by said user-information management means based on the user information (Kinjo, Fig. 1 and paragraph [0115])

Regarding **claim 35**, Kinjo discloses distribution means (32 and 38) for distributing the edited picture produced by said picture production means (24), (Kinjo, Fig.1, wherein network 32 and PC 38 transmitted edited pictures to a printing system).

Regarding **claims 37 and 47**, Kinjo discloses sound storage means for storing audio data, wherein said picture production means produces an edited picture with sound for the user by using a picture extracted from said picture storage means and sound extracted from said sound storage means, (Kinjo, paragraph [0115], wherein an image is synthesized with voice data, thus it is inherent that sound storage means exists).

Regarding **claims 39 and 52**, Kinjo discloses
user-position-information storage means (30) for storing user position information detected by an information processing apparatus owned by the user;
and

Art Unit: 2622

photographic-device-position storage means (20 and 30) for storing position information of said at least one photographic device (14),

wherein said picture production means (24) edits a picture extracted from said picture storage means (30) by using the user position information searched from said user-position-information storage means (30) and the photographic-device position information searched from said photographic-device-position information storage means (20 and 30), (Kinjo, Table 1, Table 2, Fig. 1, and paragraph [0099], wherein position data is matched in order to extract a picture).

Regarding **claims 40 and 53**, Kinjo discloses said picture production means (24) enlarges, shrinks, or rotates an image for editing a picture extracted from said picture storage means by using the user position information and the photographic-device position information, (Kinjo, Fig. 1 and paragraph [0106], wherein extracted image undergoes image processing, such as enlargement/reduction, trimming).

Regarding **claims 42 and 54**, Kinjo discloses that said picture production apparatus (10) is disposed at a predetermined place within a photographic-service receiving area, and produces the edited picture when the medium leaves the photographic-service receiving area (Kinjo, Fig.1 and paragraph [0097], wherein a PC 48 is used to remotely order an image by entering user ID).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being obvious over Kinjo et al (U.S. Pub. 2003/0103149). Hereinafter, Kinjo et al is referred to as Kinjo.

Regarding **claim 13**, Kinjo discloses that said medium is a medium (customer card) loaded or integrated into an information processing apparatus (48) provided with a recording function (Kinjo, Fig. 1 and paragraph [0096], wherein customers are provided with writeable cards for desired information and customers possess PC 48. It is obvious to one artisan that PC 48 can be loaded with customer card and be capable of recording because the capability of writing the loaded card by the information processing apparatus increases the card versatility); and

said picture production apparatus (24) produces a picture with sound based on the picture extracted from the pictures taken by said at least one photographic device and sound recorded by said information processing apparatus, (Kinjo, Fig. 1 and paragraph [115], wherein image data is synchronized with voice for adding explanatory information).

Regarding **claim 14**, Kinjo discloses said information processing apparatus (PC 48) stores audio data corresponding to time information in said medium or another storage means provided in said information processing apparatus by using the recording function (Kinjo, Fig. 1 and paragraph [115],

Art Unit: 2622

wherein it is obvious to one artisan that PC 48 can obtain and store audio data corresponding to time information in said medium by the card-reading function and the network-access function).

Regarding **claim 15**, Kinjo discloses said information processing apparatus (PC 48) is provided with a communication function, and outputs the audio data recorded by the recording function in association with the time information by using the communication function (Kinjo, Fig. 1, wherein PC 48 is connected to network 32. Therefore, it is obvious to one artisan to upload audio data corresponding to the time information)

Regarding **claim 16**, Kinjo discloses the medium is a medium (customer card) loaded or integrated into an information processing apparatus (14) provided with a photographic function (Kinjo, Fig. 1, wherein customer card is writeable and is loaded into the camera. Therefore, it is obvious to an artisan that the customer card can be loaded or integrated into the information processing apparatus because the card provides additional image storage capacity); and

said picture production apparatus (24) produces an edited picture for the user by using the picture extracted from the pictures taken by said at least one photographic device and a picture taken by said information processing apparatus, (Kinjo, Fig. 1 and paragraph [115], wherein image data is synchronized with another image data for adding explanatory information).

Regarding **claim 17**, Kinjo discloses that said information processing apparatus (14) stores picture data corresponding to time information in said medium or another storage means provided in said information

Art Unit: 2622

processing apparatus by using the photographic function, (Kinjo, Fig. 1, wherein camera includes GPS and timekeeping functions. Therefore, it is obvious to an artisan that camera 14 can capture an image corresponding to a time specification).

Regarding **claim 18**, Kinjo discloses said information processing apparatus (14) is provided with a communication function, and outputs picture data taken by the photographic function in association with time information by using the communication function (Kinjo, paragraph [0089], wherein a cellular phone is combined with the camera).

Regarding **claim 20**, Kinjo discloses said medium is a medium (customer card) loaded or integrated into an information processing apparatus (48 and 50) provided with a position detecting function for detecting a position of the user when taking a picture by said at least one photographic device (Kinjo, Fig. 1, wherein it is obvious customer card can be loaded into PC 48 which is combined with GPS 50 because such the loading or integrating of the card increases the card versatility); and

said picture production apparatus (24) edits the picture extracted from the pictures taken by said at least one photographic device by using user position information detected by the position detecting function and position information of said at least one photographic device (Kinjo, Fig. 1 and paragraph [0106], wherein camera GPS and GPS 50 are updated on the network 32).

Regarding **claim 21**, said picture production apparatus (24) enlarges, shrinks, or rotates an image for editing a picture by using position information

Art Unit: 2622

indicating a position of said information processing apparatus detected by the position detecting function and the position information of said at least one photographic device, (Kinjo, Fig. 1 and paragraph [0106], wherein camera GBS and GBS 50 are communicated on the network 32).

Regarding **claim 22**, said information processing apparatus (48 and 50) stores the user position information detected by the position detecting function in said medium or another storage means provided in said information processing apparatus (Kinjo, Fig. 1, wherein it is obvious pc 48 can store GBS information).

Regarding **claim 23**, Kinjo discloses that said information processing apparatus (48 and 50) is provided with a communication function, and outputs the user position information detected by the position detecting function by using the communication function, (Kinjo, Fig. 1, wherein it is obvious that GBS 50 can communication GBS information to network 32).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo et al (U.S. Pub. 2003/0103149) and further in view of Weston et al (U.S. Pat. 6,608,563). Hereinafter, Kinjo et al and Weston et al are referred to as Kinjo and Weston, respectively.

Regarding **claim 36**, as previously mention in the discussion of claim 32, Kinjo discloses all of the limitations of the parent claim.

However, Kinjo does not disclose accounting means for performing accounting processing for the edited picture produced by said picture production means for the user.

On the other hand, Weston discloses accounting means (coin-operated or card-operated) for performing accounting processing for the edited picture (with cropping or enlargement) produced by said picture production means (400) for the user, (see Weston, Fig. 4 and column 9 lines 35-44, wherein users can pay for captured image by coin-operated method, debit-operated method, and park personnel).

Therefore, it would have been obvious to an artisan to implement the accounting means as described by Weston into the picture production apparatus as described by Kinjo in order to let park patrons pay for their images because such implementation reduces paperwork for billing customers with their captured images.

Claims 41 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo et al (U.S. Pub. 2003/0103149) and further in view of Yamagishi (U.S. Pat. 6,327,001). Hereinafter, Kinjo et al is referred to as Kinjo.

Regarding **claims 41 and 48**, as previously mentioned in the discussion of claims 28 and 43, Kinjo discloses all of the limitations of the parents claims. In addition, Kinjo discloses a cellular phone (18) connected to picture production means (24) produces an edited picture for the user by using a picture extracted from said picture storage means (30).

However, Kinjo does not disclose user-picture storage means for storing picture data taken by a photographic machine owned by the user and a picture extracted from said user-picture storage means.

On the other hand, Yamagishi discloses user-storage means (24), (Yamagishi, Fig. 1A) for storing picture data taken by a photographic machine (camera phone), (Yamagishi, Fig. 13) owned by the user and a picture can be extracted from said user-picture storage means (24), (Yamagishi, Fig. 1A and Fig. 13).

Therefore, it would have been obvious to an artisan to send a picture extracted from camera phone as described by Yamagishi to the picture production means as described by Kinjo so that the picture production means can use the sent picture to produce an edited picture because the picture extracted from camera phone truly reflects the angle of image capturing by the user, thus producing a desired and user-friendly image.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Evans et al (U.S. Pat. 5,946,444) discloses a system for creating still image/video collections for guests of amusement parks, wherein each guest is identified by a unique tag; guest's images are automatically captured; those images are transferred over a network then collected and presented to guests.

Azuma (U.S. Pub. 2003/0052975) discloses a system which manages a digital camera which photographs an encoded image and a customer who uses it.

Silverstein et al (2004/0066457) discloses in a joint video and still image pipeline, a network may be deployed through the internet so that a user may

Art Unit: 2622

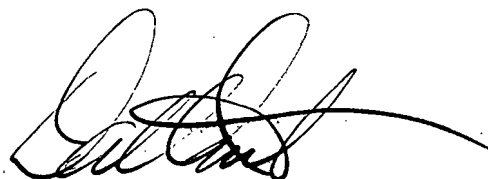
acquire high resolution photographs using a handheld device and a remote camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Le/

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER